

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Arispe et al.

Docket No.: PF453P3

Application No.: 09/989,687

Confirmation No.: 9708

Filed: November 21, 2001

Art Unit: 1643

For: METH1 and METH2 Polynucleotides and
Polypeptides

Examiner: K. A. Canella

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED BENEFIT CLAIM
UNDER 37 C.F.R. §§ 1.78(a)(3) AND (6)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The instant application claims benefit under 35 U.S.C. §§ 119(e) and 120 of a number of prior applications. It has come to the attention of the undersigned that benefit of several priority applications were not properly claimed in the specification or on the Application Data Sheet. However, proper benefit claims are made for all of the other priority applications, listing both the appropriate serial numbers and relationships. In order to correct this unintentional omission, Applicants hereby petition for acceptance of the unintentionally delayed benefit claim.

Applicants believe that a surcharge under 37 C.F.R. § 1.17(t) should be required to correct the unintentional omission of the benefit claims in this application. Accordingly, Applicants have authorized the Office to charge the surcharge under § 1.17(t) to our deposit account.

In support of this petition, Applicants note the following:

1. A proper reference to the prior applications as required by 35 U.S.C. §§ 119(e) and 120, and 37 C.F.R. §§ 1.78(a)(2) and (5) is contained in the Amendment and Reply Under 37 C.F.R. § 1.111 and Supplemental Application Data Sheet submitted herewith.

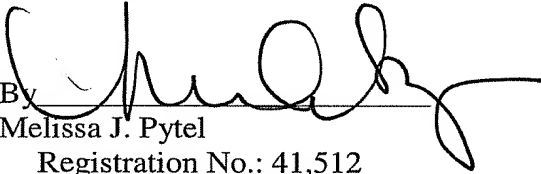
2. As noted above, Applicants have authorized the Office to charge the surcharge under 37 C.F.R. § 1.17(t) to our Deposit Account No. 08-3425.
3. The undersigned hereby states that the entire delay between the date the benefit claim was due under 37 C.F.R. §§ 1.78 (a)(2) and (a)(5) and the date the claim was amended to include both the reference to Provisional Application 60/234,925 and the proper relationship to the instant application was unintentional.

Accordingly, as the above submissions fully satisfy the requirements of 37 C.F.R. §§ 1.78(a)(3) and (a)(6), Applicants respectfully request that the instant petition be granted, and that the unintentionally delayed benefit claim submitted herewith be accepted and entered in the instant application.

If any further action by Applicants is required, please call the undersigned at the phone number provided below. If there are any additional fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425.

Dated: September 8, 2006

Respectfully submitted,

By 
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KKH/MJP/EC/pb